

# Morgan Lewis

**Leni D. Battaglia**

Partner

+1.212.309.7177

Leni.battaglia@morganlewis.com

September 10, 2020

**VIA ECF**

The Honorable Laura Taylor Swain  
United States District Judge  
United States District Court  
For the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**Re: *Berkley, et al. v. Whole Foods Market Group Inc.***  
**Case No. 1:20-cv-7278**

Dear Judge Swain:

This firm represents Whole Foods Market Group Inc. (“Whole Foods”), in the above-referenced action. Pursuant to Rule I(F) of Your Honor’s Individual Rules of Practice, we write to request a brief extension of time until October 2, 2020 to respond to the Complaint. This is the first request for an extension of time in this matter and Plaintiff’s counsel has consented to this request. The extension will not affect any other deadlines in the case.

Whole Foods removed this case, originally filed in New York Supreme, to the Southern District on September 4, 2020. At the time of removal, a response to the Complaint had not yet been filed in the state proceeding. While our investigation had revealed facts to support removal, we have not yet had an opportunity to fully investigate the allegations in the Complaint in preparation of a response. As such, we request this extension to ensure that we have sufficient time to prepare a fulsome response to the Complaint.

We appreciate the Court’s consideration of this request.

Sincerely,

The request is granted. DE# 6 resolved.

/s/ Leni D. Battaglia  
Leni D. Battaglia

SO ORDERED.

9/16/2020

/s/ Laura Taylor Swain, USDJ

**Morgan, Lewis & Bockius LLP**

101 Park Avenue  
New York, NY 10178-0060  
United States

**T** +1.212.309.6000  
**F** +1.212.309.6001

cc: Louis Ginsberg  
1613 Northern Boulevard  
Roslyn, New York 11576  
Tel.: (516) 625-0105 x 18  
lg@louisginsberglawoffices.com  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2020, the foregoing letter dated September 10, 2020 was filed via the ECF filing system and served by electronic mail on the following:

Louis Ginsberg  
1613 Northern Boulevard  
Roslyn, New York 11576  
Tel.: (516) 625-0105 x 18  
lg@louisginsberglawoffices.com  
*Attorneys for Plaintiffs*

/s/ Leni D. Battaglia  
Leni D. Battaglia